

# **Disability Services (Your Life Your Choice) Amendment Bill 2012**

## **Explanatory Notes for Amendment to be moved during consideration in detail by the Honourable Tracy Davis MP Minister for Communities, Child Safety and Disability Services**

### **Title of the Bill**

Disability Services (Your Life Your Choice) Amendment Bill 2012

### **Objectives of the Amendments**

The objective is to amend the Disability Services (Your Life Your Choice) Amendment Bill 2012 to provide that an administrator appointed for an adult with a disability under the *Guardianship and Administration Act 2000* is also a relevant person for whom the Minister may approve funding to enable the relevant person to obtain relevant disability services for the adult with a disability.

The Bill provides that the Minister to approve funding to a person with a disability or a *relevant person* to enable a person with a disability to obtain relevant disability services, or for a relevant person to obtain relevant disability services for the person with a disability.

The Bill provides that a relevant person for an adult with a disability is; (i) a person nominated by the adult; or (ii) a guardian appointed for the adult; or (iii) an attorney appointed by the adult under an enduring power of attorney under the *Powers of Attorney Act 1998*; or (iv) a member of the adult's support network, other than a paid carer for the adult within the meaning of the *Guardianship and Administration Act 2000*.

The list of who may be a relevant person is a facilitative provision that provides flexibility about who the Minister may approve funding to, and allows people with impaired capacity to have someone access these funding arrangements on their behalf.

Following consultation, it is proposed to amend the Bill to provide that a relevant person can also be an administrator appointed for an adult with a disability. While a guardian can make decisions about the types of services and supports an adult accesses, it is an administrator (also appointed under the *Guardianship and Administration Act 2000*), rather than a guardian, who actually makes decisions about the financial matters relating to the types of services and supports an adult accesses, and gives effect to the decision of a guardian.

The Health and Community Services Committee also recommends this amendment.

### **Achievement of the Objectives**

The objective is achieved by way of an amendment to the Bill as described below.

### **Alternative Ways of Achieving Objectives**

There is no alternative way to achieve the policy objective.

### **Estimated Cost for Government Implementation**

Any costs in relation to the amendment will be met from existing departmental resources.

### **Consistency with Fundamental Legislative Principles**

The amendment is consistent with fundamental legislative principles.

### **Consultation**

Following introduction of the Disability Services (Your Life Your Choice) Amendment Bill 2012, the Adult Guardian and Public Trust Office were consulted on the Bill. The Adult Guardian and the Public Trust Office supported the amendment.

The Health and Community Services Committee conducted an inquiry into the Disability Services (Your Life Your Choice) Amendment Bill 2012. The Committee Report on the Bill (Report no. 10) also recommended that the definition of *relevant person* be amended to include an administrator appointed for the adult.

## **Notes on Provisions**

Amendment 1 amends the definition of relevant person for an adult with a disability to provide to that a relevant person can be an administrator. The dictionary in the *Disability Services Act 2006* defines an administrator as an administrator appointed under the *Guardianship and Administration Act 2000*.